

**FROM
REPRESENTATIVE
TED KUPFERMAN**

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NEWS RELEASE

FOR RELEASE

THURSDAY, APRIL 13, 1967

Press Contact: Karen Rosenberg

Washington, D. C. -- Rep. Theodore R. Kupferman (R.-N.Y.) told the House today that "we can no longer consider the alleged truths of the Warren Commission Report to be self-evident."

In doing so, the Manhattan legislator called upon Congress to establish a Joint Congressional Committee to examine all documents relating to the assassination--particularly evidence that has never been officially examined--and to issue a public report of its findings.

Mr. Kupferman condemned the Executive Branch of the Government for nonfeasance and for being party to what he called a "conspiracy of silence." He said that since the Kennedy family placed the autopsy photographs and X-rays on deposit at the Archives, even qualified investigative authorities have been denied access to them.

It is "ironic" the New York City Republican observed, that in response to his own request for admittance with a group of acknowledged experts in pathology to review the X-rays and photographs, the Executive Branch denied his request on the grounds that:

"The Public interest in the X-rays and photographs as a part of the historical record of the assassination of President Kennedy is appropriately served, not only by their deposit and preservation in National Archives, but also by the provision for unrestricted access by any official government body, including committees of the Congress, having authority to investigate matters relating to the assassination."

Mr. Kupferman told the Members that, "The best evidence, it appears, remains to be examined. It is fundamental to our system of law that the best evidence, when available, should be examined. The Executive Branch refuses to take any action. Only the Congress of the United States, with its investigative powers, remains available to do the job. I hope the Congress will not be content to sit by while the status of the American peoples' 'right to know' regresses and their unanswered questions multiply," Mr. Kupferman said.

Congressman Kupferman's statement to the House, the recent correspondence with the Executive Branch and with Burke Marshall, representative, acting for the Kennedy family, and Mr. Kupferman's statement on the introduction of his original Resolution on September 28, 1966 are all attached.

STATEMENT BY REP. THEODORE R. KUPFERMAN (R.-N.Y.) IN THE HOUSE OF REPRESENTATIVES
UPON REINTRODUCTION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT COMMITTEE
TO DETERMINE THE NECESSITY OF A CONGRESSIONAL INVESTIGATION OF THE ASSASSINATION
OF PRESIDENT KENNEDY -- APRIL 13, 1967.

Mr. Speaker, I am today reintroducing my Concurrent Resolution for a Joint Congressional Committee to determine the necessity for reinvestigating the assassination of President Kennedy.

In the 89th Congress on September 28, 1966, the second anniversary of the Warren Commission Report (see Congressional Record, page 23203), I introduced H.Con.Res. 1023, pointing out that the official Report, with respect to the assassination of President Kennedy, had created more doubts than it had settled. Subsequent polls proved that this was so (see Congressional Record of October 4, 1966, page 24043).

The alleged truths of the Warren Commission Report can no longer, if ever, be considered self-evident.

The reason the Congress must now act is that the Executive Branch, in the most obvious areas of doubt, has engaged in a conspiracy of silence and inaction, when clearly there is a need for sound action and high-level investigation.

The refusal of the Executive Branch to take necessary action has been demonstrated in the situation involving the X-rays and the photographs of the autopsy of the late President Kennedy. It has become increasingly clear to me, throughout the rising controversy subsequent to President Kennedy's assassination and the publication of the Warren Report, that this material, which the Warren Commission as a matter of non-feasance had failed to examine, should be officially examined.

Accordingly, on December 27, 1966, I wrote to the Chief Archivist of the United States requesting an opportunity, together with some outstanding and knowledgeable people in the field, to view these items. Copies of my communication with the National Archives, as well as copies of the replies received in this regard, follow at the end of this statement.

There have been many doubts raised about the findings contained in the Warren Report, but in my opinion the most vulnerable is that known as the "single bullet theory". One cannot read the Warren Report without realizing the importance of this theory to its conclusion that Lee Harvey Oswald, acting alone, killed President Kennedy.

If the first bullet entered just below President Kennedy's shoulder, and failed to exit, then the single bullet theory, the cornerstone of the Warren Commission Report, is not substantiated. If the bullet in question entered at the rear of the neck, passed completely through the neck, and exited through the throat, then the theory may be sustained. The answer may well be contained in the films and X-rays of the autopsy report.

Governor Connally of Texas, who was directly involved, and others do not accept the single bullet theory.

There has been so much confusion and ambiguity over this and many of the other basic findings of the Commission that, under the circumstances, and with my request, reason would dictate that the Executive Branch would have at least asked for an official report with an analysis of the X-rays and photographs. Rather, the response to my request can only resemble the Warren Report itself in the mountain of paperwork, but lack of a valid conclusion. The circuitousness involved is the equivalent of the circular file.

Upon receipt of my request, the Chief Archivist referred the matter to Burke Marshall, who has been designated by the Kennedy family to act in its behalf in matters relating to these materials. He denied my request by letter of January 25, 1967.

I wrote to President Johnson on February 16, 1967. His Office stated:

THE WHITE HOUSE
Washington
February 17, 1967

Dear Congressman:

For the President, may I acknowledge your letter of February 16 to the President regarding your request to examine the X-rays and photographs taken during the autopsy of President Kennedy.

Your letter and enclosures will be given careful attention.

Sincerely yours,
(signed)
Henry H. Wilson, Jr.
Administrative Assistant
to the President

Honorable Theodore R. Kupferman
House of Representatives
Washington, D. C.

The matter was then referred back to the General Services Administration by the President's Office, where the Administrator gave me the same answer that I had previously received. It is ironical that the Administrator in his letter of reply states:

There are none
The public interest in the X-rays and photographs as a part of the historical record of the assassination of President Kennedy is appropriately served, not only by their deposit and preservation in National Archives, but also by the provision for unrestricted access by any official government body, including committees of the Congress, having authority to investigate matters relating to the assassination.

This, of course, was the basis of my request in my letter to President Johnson. This correspondence, hereinafter attached, is an exercise in bureaucracy and futility. More significantly, it amounts to deliberate failure on the part of the Executive Branch to inform the American people in a vital area, one about which the public has a right to know more.

Inasmuch as the Executive Branch will not face its responsibilities and take necessary action, only the Congress of the United States, with its investigative powers, remains available to do the job that must be done.

Attached hereto is my original statement on the introduction of my original Resolution, H.Con.Res. 1023, and my correspondence relative to the X-rays and photographs.

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STATEMENT BY REP. THEODORE R. KUPFERMAN (R. - N.Y.) IN THE HOUSE OF REPRESENTATIVES
UPON THE INTRODUCTION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT COMMITTEE
TO DETERMINE THE NECESSITY OF A CONGRESSIONAL INVESTIGATION OF THE ASSASSINATION
OF PRESIDENT KENNEDY, SEPTEMBER 23, 1966.

THE KENNEDY ASSASSINATION
and
THE WARREN COMMISSION

Pursuant to Executive Order 11130 dated November 29, 1963, the President's Commission on the Assassination of President Kennedy investigated the assassination which took place one week before on November 22, 1963, of President Kennedy, and the subsequent killing of the alleged assassin, and reported to President Lyndon B. Johnson.

The President's Commission, more popularly referred to as the Warren Commission because the Chief Justice of the United States Supreme Court, Earl Warren, was designated by the President to serve as its Chairman, was directed to evaluate all the facts and circumstances surrounding the assassination of President Kennedy and the shooting of Governor Connally and the subsequent killing of the alleged assassin Lee Harvey Oswald.

Following ten months of exhaustive investigation, and after reviewing testimony of 552 witnesses, 25,000 FBI interviews, 1550 Secret Service interviews and other documents which compose a stack of papers that is said to fill 300 cubic feet in the National Archives, the seven-man Warren Commission publicly submitted its report to the President on September 24, 1964. On September 23, 1964, the Warren Report was made public.

It was the conclusion of the Commission, among other things, that Lee Harvey Oswald, acting alone, killed the President. The shots which killed President Kennedy and wounded Governor Connally, the Commission found, were fired from the sixth floor window at the southeast corner of the Texas School Book Depository. The Commission concluded that the weight of the evidence indicates that there were three shots fired. The Commission held that it was not necessary to any of its essential findings to determine just which shot hit Governor Connally, but that very persuasive evidence from the experts indicates that the same bullet which pierced the President's throat also caused Governor Connally's wounds. While the third conclusion of the Commission states that Governor Connally's testimony and certain other factors have given rise to some difference of opinion as to this probability, the Commission states there is no question in the mind of any member of the Commission that all the shots which caused the President's and Governor Connally's wounds were fired from the sixth floor window of the Texas School Book Depository, and the shots which killed President Kennedy and wounded Governor Connally were fired by Lee Harvey Oswald.

The Commission found no evidence that either Lee Harvey Oswald or Jack Ruby was part of any conspiracy, domestic or foreign, to assassinate President Kennedy. Moreover, it concluded that in its entire investigation the Commission found no evidence of conspiracy, subversion, or disloyalty to the U. S. Government by any Federal, State, or local official.

The stated purpose of the Commission was to investigate all the facts and circumstances surrounding the assassination and the subsequent killing of the alleged assassin. But, as a practical matter, no doubt President Johnson knew the value of reinforcing the public confidence in its institutions and Governmental agencies.

There was a natural outburst of public emotion following the tragic and shocking events which took place so rapidly on November 22, 1963, and an increasing wave of speculation in this country, and even moreso in Europe and Latin America, concerning the possibilities of conspiracy and plotting of right or left-wing elements.

It was obvious in President Johnson's approach to selecting the composition of the Commission, that he wanted men of the highest integrity and national reputation so that the Commission's findings would have the necessary standing to ensure quick acceptance of its findings and thus provide what some have called "domestic tranquility."

This view is epitomized by the fact that President Johnson chose the Chief Justice of the United States, Earl Warren, to act as Chairman of the Commission. Indeed, all of the seven members of the Commission are men of national reputation for intelligence, competence and integrity.

The difficulty comes in the fact that many people feel that the findings of the Warren Commission have not been accepted. In this regard, Fletcher Knobel writing in Look Magazine, July 12, 1966, reports that a Harris Survey taken in the fall of 1964, soon after the publication of the Warren Report, showed that 31% of Americans still believed Oswald had accomplices, and that less than half the people believed the Commission told the full story.

It is obvious that it would be an impossible task for the seven-member Commission to persuade even a majority of the American people as to the exact nature and circumstances of all the horrible events that took place on that Friday. But, the fact remains that if the purpose of the Warren Commission was to allay or set at rest doubts that a great many people naturally had following that event, and to restore a feeling of relative security and calm as a result of its search for the facts, then it is at least questionable whether it succeeded.

Of course, there was a rash of activity by writers and critics immediately following the publication of the Report who played on difficult and unanswered questions, thus feeding fuel to the fires of speculation in the minds of the doubters and adding to the uneasiness of the people. The obvious difficulty with the products of this first wave of critics is that they played heavily on insinuations and rhetorical questions while failing to answer or offer alternative theories based on reasoned judgments after weighing all the evidence, such as the Warren Commission purportedly did.

However, it is now two years after the publication of the Warren Commission report and a new wave of criticism has developed concerning the work of the Warren Commission. The critics who make up the second wave are not addressing themselves, for the most part, to the integrity of the Warren Commission, or even to the soundness of many of its conclusions.

The serious question raised by the second wave of critics is whether the members of the Warren Commission took the necessary time to examine thoroughly all the available material and evidence to come to an accurate and independent conclusion as to what happened, or whether they were disposed to satisfy a certain view, being persuaded in the public interest to come to a speedy decision.

Those who criticized the Warren Commission or the Warren Report along these lines would find possible support in the fact that President Johnson selected highly competent but busy men to act as Members of the Commission.

One of the many recent books critical of the Commission was written by Edward J. Epstein as an outgrowth of his masters thesis in Government for Cornell University. In the introduction to Mr. Epstein's book entitled, "Inquest: The Warren Commission and the Establishment of Truth," Richard H. Revere, a respected writer, notes in the foreword that Epstein amply demonstrates that the Commission's quest for truth was also a quest for domestic tranquility, and that the second quest often got in the way of the first. Mr. Epstein says the Commission's probe was hampered by an impossible deadline imposed by Chief Justice Warren, by lack of investigation and manpower, and by absenteeism of the busy commissioners. He calculates only three commissioners heard more than half the testimony and measured the attendance at the hearings as ranging from a low of about six percent to a high of about seventy-one percent. Mr. Epstein states that the Commission ignored possible witnesses, sifted the testimony to suit its purposes, and omitted contradictory evidence and inconsistent details.

Finally, the critics suggest as typical of the superficial nature of the Commission's work, that the Commission never independently investigated rumors, whether Oswald was a paid informant of the FBI, but merely took the word of FBI officials, principally J. Edgar Hoover, that he was not. They say the question that the public is left with now is whether the Commission's commitment from the onset of its assignment was less to the discovery of revelation and truth than to dispelling rumors that would damage the national interest.

THEODORE R. KUPFERMAN
17TH DISTRICT, NEW YORK

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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

WASHINGTON, D.C.

December 27, 1966

Mr. Robert H. Bahmer
Chief Archivist of the United States
National Archives and Records Service
8th Street & Pennsylvania Ave., N.W.
Washington, D.C.

Dear Mr. Bahmer:

You are undoubtedly familiar with the fact that on September 28, 1966 I introduced, in the House, H.Con.Res. 1023. My statement in connection with it is found at page 23203 of the Congressional Record of that date. I am enclosing a copy of the statement.

? / I have been much concerned about the fact that there was no opportunity given the Warren Commission to examine the X-rays and photographs taken during the autopsy of President Kennedy.

In my opinion, these could have a significant bearing on the question of whether it was a single bullet that hit both President Kennedy and wounded Governor Connally.

Accordingly, I would like to arrange for an opportunity to examine the X-rays and photographs, which I am informed are now in the Archives, when I return to Washington for the 90th Congress. I would prefer some time in the middle of January.

In order to have an informed judgment on the subject, I would have with me Dr. Milton Helpert, New York City's Chief Medical Examiner, and Dr. Cyril H. Wecht, who is the Chief Deputy Coroner and Chief Forensic Pathologist of Allegheny County (Pittsburgh), Pennsylvania, and Sylvia Meagher, 302 West 12th Street, New York City, who has studied the Warren Commission Report and prepared an index to the 26 volumes of exhibits, etc. Her presence would be needed, so that we would have the various factual matters available as we examine the photographs and X-rays.

If you could also arrange for a suitable viewing room, that would be appreciated.

May I hear from you as soon as possible on this so that I can make the necessary arrangements for the other three parties all to be present.

Thank you for your courtesy.

Sincerely yours,

(signed)

Theodore R. Kupferman, M.C.

Exhibit "A"

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service
Washington, D. C. 20408

January 6, 1967

Honorable Theodore R. Kupferman
House of Representatives
Washington, D. C. 20515

Dear Mr. Kupferman:

This is in reply to your letter of December 27, 1966, concerning the X-rays and photographs taken during the autopsy of President Kennedy.

We have forwarded your request for access to the autopsy materials to Mr. Burke Marshall, who has been designated by the Kennedy family to act in its behalf in matters relating to these materials.

As you may know, these materials were accepted for deposit in the National Archives under authority of 44 USC 397e. Conditions imposed by the Kennedy family pursuant to this authority provide that for a period of five years these items, unless otherwise determined by Mr. Marshall, may be made available only to persons authorized to act for a committee of the Congress or a committee or agency in the Executive Branch vested with authority to investigate matters relating to the death of President Kennedy.

Sincerely yours,

(signed)

Robert H. Bahmer
Archivist of the United States

Exhibit 18

Burke Marshall
Old Orchard Road, Armonk, New York 10504

January 25, 1967

Honorable Theodore R. Kupferman
House of Representatives
Washington, D.C. 20515

Dear Congressman:

This will acknowledge your letter of December 27 regarding the material placed in the Archives last November by the executors of President Kennedy's estate. I regret the delay in answering; I have been away from my office.

EVIDENCE
The wishes of the Kennedy family, as reflected in the agreement by which the material was given to the United States, are that there be no examination of the material for at least five years, except by a properly authorized federal government agency. Thereafter inspection will be limited to persons professionally qualified to evaluate medical evidence, for serious historical purposes. The reasons for these restrictions are obvious.

While the first of these provisions could be waived, I have concluded that I should not do so. I have given careful consideration, because of your official position, to the question whether an exception should be made in your case, and have decided that there is no basis for that, particularly in the light of the second restriction referred to. It would then be at least very difficult to refuse other requests, and the consequences would be very painful for Mrs. Kennedy and the family.

I fully appreciate that in your case, there is absolutely no question of personal gain, or mere curiosity, but I am sure you will understand the compelling reasons against making distinctions based on my personal evaluation of someone's motives.

Sincerely,

(signed)

Burke Marshall

Exhibit "C"

GENERAL SERVICES ADMINISTRATION

Washington, D. C.

March 8, 1967

Honorable Theodore R. Kupferman
House of Representatives
Washington, D.C. 20515

Dear Mr. Kupferman:

Since the National Archives is a part of the General Services Administration, the President has referred to me your letter of February 16, 1967, concerning the x-rays and photographs made during the autopsy of President Kennedy.

As you know, the photographs and x-rays were deposited in the National Archives by the Kennedy family under certain conditions, which were accepted by me pursuant to Section 507 of the Federal Records Act of 1950, as amended (44 U.S.C. 397). This statute provides for the acceptance of such materials by the Administrator of General Services subject to restrictions on availability specified by the donors or depositors.

The condition specified by the donors and depositors relating to the autopsy materials that is most directly applicable to your request states that access shall be permitted only to

"Any person authorized to act for a committee of the Congress, for a Presidential committee or commission, or for any other official agency of the United States Government, having authority to investigate matters relating to the death of the late President, for purposes within the investigative jurisdiction of such committee, commission or agency."

Related conditions provide that examination by any person not authorized to act for a congressional committee or other official body having authority to investigate the assassination is barred for five years except with the consent of the Kennedy family representative, Mr. Burke Marshall. Following the five-year period and during the lifetimes of the late President's immediate family, access to nonofficial persons is limited to experts in the field of pathology or related sciences for serious purposes relevant to investigation of the assassination.

Letter from General Services Administration

The General Services Administration has no authority to make any exceptions to the foregoing conditions. Your letter indicates that you have already sought an exception from Mr. Marshall and that he has considered your request but declined to make an exception.

The law cited above, which was enacted to encourage voluntary deposit in the National Archives of Presidential papers and other historical materials relating to a President or former President, requires that the Government comply with the restrictions under which such materials are deposited. We accepted the autopsy photographs and x-rays on the terms described above because we concluded that it was in the public interest to assure acquisition and preservation of these materials.

The public interest in the x-rays and photographs as a part of the historical record of the assassination of President Kennedy is appropriately served, not only by their deposit and preservation in National Archives, but also by the provision for unrestricted access by any official government body, including committees of the Congress, having authority to investigate matters relating to the assassination.

Sincerely yours,

(signed)

Lawson B. Knott, Jr.
Administrator

In an article entitled, "Round Two," written by Fred Graham, which appeared in the New York Times Book Review of August 28, 1966, it was stated that,

Unfortunately, many people may confuse the doubts about the commission with doubts about its conclusion. One of the earliest and most perceptive critics of the Warren Commission, Paul L. Freese of the California Bar, remarked in the Columbia Law Review that the commission was vulnerable because its real task "was not to find the truth but to appear to have found the truth." Mr. Graham says with respect to this statement of Paul Freese, "The pity is that it may have done the opposite." *

Fletcher Knebel, the author of the "Warren Commission Report on the Assassination Is Struck by a New Wave of Doubt" which appeared in Look Magazine on July 12, 1966, examined Mr. Epstein's writing carefully and "...soon became convinced that Epstein was guilty of the very sins of which he accused the Warren Commission: distortion, ignoring testimony, sifting the evidence, and adroitly selecting it to fit its theories and assumptions." Mr. Knebel states with respect to "Inquest: The Warren Commission and the Establishment of Truth," "At the worst, Epstein has written a dangerously deceptive book. At the best, he is guilty of precisely what he lays at the door of the Warren Commission--a "superficial" investigation."

Richard N. Goodwin, a former assistant to President Kennedy, in a review written for Book Week of the World Journal Tribune (then on strike) and appearing in New York City in the Village Voice of August 4, 1966, considered Edward J. Epstein's book. In the early part of Mr. Goodwin's review he states,

...those who worked with President Kennedy, even those in the outer rings of relationship such as myself, welcomed with such swift acceptance the conclusions of the Warren Report; even though few had read it thoroughly and almost no one had examined the evidence on which it was based. There was, of course, the fact that the integrity and purpose of the Commission were beyond question and its members were men of skill and intelligence. There was the almost unanimous praise of newspapers and commentators who we assumed, if we thought about it at all, had followed the course of investigation and studied the answers. This would not ordinarily have been enough for those who had learned the lesson of the Bay of Pigs: that neither position, conviction, sincerity, nor expert knowledge precluded the need for independent judgment of the evidence. This time, though, there was only room for grief; and a lone madman compelled neither hatred nor effort nor calculation.

Speaking of Epstein's harsh criticism of both the substantive portion of the Warren Commission's findings, as well as the procedures employed, and the lack of thoroughness of the Warren Commission, Mr. Goodwin states:

...None of this proves or even forcefully indicates that a single disturbed human being was not the cause of President Kennedy's death. Perhaps all the specific examples Epstein uses to strengthen his case will be easily refuted. If there are gaps, further study may swiftly close them. However, the attack on the nature and adequacy of the Commission's work is not easily dismissed. Even if Mr. Epstein is totally wrong in every discussion of specific evidence, and yet if he is right that the investigation itself was seriously incomplete, then we have not established to the limit the possibility that Lee Harvey Oswald acted alone to kill John F. Kennedy.

* The reference to Columbia Law Review must be inadvertent. It is actually at 40 NYU Law Review page 459 (May 1965).

Mr. Goodwin further states:

I find it hard to believe that the investigation was seriously flawed, but here is a book which presents such a case with a logic and a subdued and reasonable tone which have already disturbed the convictions of many responsible men. It may all rest on quicksand, but we will not know that until we make an even more extensive examination than the author has made. An independent group should look at these charges and determine whether the Commission investigation was so defective that another inquiry is necessary. Such a procedure will, perhaps unnecessarily, stimulate rumors and doubts and disturb the political scene. Yet there seems to be no other course if we want to be sure that we know as much as we can about what happened on November 22, 1963.

There have been a host of other writers concerned with the Kennedy Assassination and the Warren Commission including Thomas Buchanan's "Who Killed Kennedy," Benn Jones Jr.'s "Forgive My Grief," Harold Weisberg's "WHITENASH: The Report on the Warren Commission," Mark Lane's "Rush to Judgment," and most recently, "The Second Oswald" by Richard H. Popkin. At the end of this statement I have included as complete a listing as the Library of Congress has been able to compile to date of various articles and books dealing with the Warren Report and the assassination of President Kennedy.

It would seem that the relevant inquiry at this time should not be whether the Warren Commission maintained the expected degree of integrity in its investigations and findings, nor whether Lee Harvey Oswald was actually the lone assassin of President Kennedy, but rather whether the people of the United States feel the desired confidence and finality in the authoritative work that has been done to date. In other words, is the Warren Commission's report enough.

In the past, we find that our country, in the words of the noted attorney Louis Nizer, "has not resorted to commissions as a regular procedure, but chiefly in great emergencies, and, fortunately, therefore infrequently."* A review of American history tells us that one such great emergency was the debacle at Pearl Harbor, which not only shattered our fleet, but to a great extent our confidence and pride. President Roosevelt knew that a report was required following the international disaster of Pearl Harbor on December 7, 1941, that would tell the people the truth which they wanted and needed so desperately to know. He knew that the people could bear up under the truth, but that uncertainty and rumor of plots and conspiracies would, above all, undermine their confidence and destroy their will.

Thus, on December 18, 1941, President Roosevelt created the Roberts Commission. The President designated Justice Owen J. Roberts of the United States Supreme Court as its Chairman. He appointed Admiral William H. Stanley, U.S. Navy, retired, Rear Admiral Joseph M. Reeves, U.S. Navy, retired, Major General Frank McCoy, U.S. Army, retired, and Brigadier General Joseph T. McNarney of the Army to serve with Justice Roberts as members of the Commission.

Many criticized President Roosevelt and the Roberts Commission at the time for the fact that the heavy military composition of the Committee would not be likely to ensure an impartial report on their own services. Those critics were substantially quieted when the Roberts Commission publicly reported to the President on January 23, 1942, and in terms of dereliction of duty and errors of judgment placed a good deal of the blame for the Pearl Harbor disaster upon the Joint Commanders of the Army and Navy who were stationed in Hawaii at that time. The Roberts Commission's 21-page report is listed as Senate Document No. 159, 77th Congress, 2nd Session (1942).

The integrity of the members of the Roberts Commission was uncompromised and its impartiality was beyond question. Thus, it could be a very persuasive report. But, it is important to note that the purpose of the Roberts Commission was to provide a basis for sound decisions as to whether any derelictions of duty or errors of judgment on the part of the United States Army or Navy personnel contributed to such successes as were achieved by the enemy on December 7, 1941. In other words, the Roberts Commission inquiry was inherently narrow in its purpose, if not in its scope.

* An analysis and commentary of the Warren Report by Louis Nizer is found in the foreword of the Doubleday & Company, Inc. printing of the Warren Report at pg. iii-a thru pg. xxviii-a.

The Roberts Commission was followed by six other investigations of the Pearl Harbor incident: Immediately following the Roberts Commission was the Hart Inquiry, initiated by order from Secretary of the Navy Knox on February 12, 1944, and concluded June 15, 1944. Following the Hart Inquiry, the Army Pearl Harbor Board was appointed pursuant to provisions of Public Law 339, 78th Congress, and was directed to ascertain and report the facts relating to the attack made by the Japanese and to make such recommendations as it may deem proper. The Board held sessions beginning July 20, 1944, and concluded its investigation on October 20, 1944. Following the Army Pearl Harbor Board was the Navy Court of Inquiry pursuant to Public Law 339, 78th Congress. It held sessions July 24, 1944, and concluded its inquiry on October 19, 1944. The Clarke Inquiry was next, conducted from September 14 to 16, 1944, and from July 13 to August 4, 1945. This inquiry was more specific in its scope and testimony being taken concerning the handling of intercepted Japanese messages and the handling of intelligence material by the Military Intelligence Division of the War Department. Finally, there was the Clausen Investigation (Commenced November 23, 1944, and concluded on September 12, 1945) and the Hewitt Inquiry (Commenced May 14, 1945 and concluded on July 11, 1945).

Notwithstanding the work of the Roberts Commission and the six other investigations of the facts and circumstances relating to the attack on Pearl Harbor by the Japanese on December 7, 1941, serious questions, doubts and inconsistencies remained. Finally the Congress of the United States found it necessary to establish a Joint Legislative Committee on the Investigation of the Pearl Harbor Attack. The Concurrent Resolution, No. 27 (as extended), 79th Congress, 1st Session, establishing the Joint Legislative Investigation Committee composed of five members of the Senate and five members of the House, passed the Senate on September 6, 1945. The House concurred on September 11, 1945.

Ten months later, on July 20, 1946, the exhaustive and credible work of the Joint Congressional Committee was presented to the President of the Senate and Speaker of the House. The work is found in a bound Senate volume entitled, "Pearl Harbor Attack."

It is against this background that I propose that a Joint Congressional Committee be created to make a preliminary inquiry to determine whether there exists the necessity to re-investigate thoroughly all of the facts and circumstances surrounding the events that ended in the assassination of President Kennedy, the subsequent killing of his alleged assassin, and the shooting of Governor John B. Connally.

Should the Joint Congressional Committee determine, after a preliminary investigation of all the accounts, writings and reports, including but not limited to the Warren Report, of the facts and circumstances relating to the Kennedy assassination, that further Congressional investigation is necessary, then that Joint Committee would proceed to investigate fully the entire facts and circumstances surrounding the events of November 22, 1963.

The Concurrent Resolution, which I have introduced today and which follows at the end of this statement, would establish a Joint Congressional Committee composed of five members of the Senate (not more than three of whom shall be members of the Majority Party) to be appointed by the President pro tempore, and five members of the House (not more than three of whom shall be members of the Majority Party), to be appointed by the Speaker of the House.

As the Warren Commission states, it was created in recognition of the right of people everywhere to a full and truthful knowledge concerning these events. The report, in its own words, "has been prepared with a deep awareness of the Commission's responsibility to present to the American people an objective report of the facts relating to the assassination."

We must not hide from all the facts whatever they are, and whatever they indicate. In light of the current and mounting criticism of the Warren Report we must now objectively evaluate the findings of all those who would have us believe the Warren Commission in one way or another did not do all that it could have. In this way the volume of work of the Warren Commission will be called upon to stand a true test. But so will the conclusions and rationality of those who would attack the Warren Commission be put to an equally objective test.

There appeared in the New York Times magazine section on September 11, 1966, an article written by an English political commentator, Henry Fairlie, entitled, "No Conspiracy, But--Two Assassins, Perhaps?" Mr. Fairlie writes that...

The Report of the Warren Commission is now under severe and in some cases, persuasive attack. It is hard to disagree with the general judgment of its critics that it did a hurried and slovenly job. It seems to have been less than thorough in the examination of some key witnesses, less than skeptical of some of the official evidence with which it was supplied, less than careful to consider in detail every possible explanation of the assassination other than Lee Harvey Oswald's sole guilt.

Following a discussion of the events and circumstances of the assassination of President Kennedy and Lee Harvey Oswald, Mr. Fairlie states :

At some point, it is clear, there will have to be another independent inquiry. But, even if this is agreed, it is by no means equally clear that the time for such an investigation is now. A portion of the investigative reports in the United States National Archives is not yet declassified. The whereabouts of other important evidence have still not been ascertained. In these circumstances the chances of a further inquiry producing a report which would carry conviction are slight.

And further, Mr. Fairlie quotes the following conclusion of Harold Weisberg, author of "WHITEKASH:-", the report on the Warren Report:

A crime such as the assassination of the President of the United States cannot be left as the report of the President's Commission has left it, without even the probability of a solution, with assassins and murderers free, and free to repeat their crimes and enjoy what benefits they may have expected to derive therefrom. No President is ever safe if Presidential assassins are exculpated. Yet this is what this Commission has done.

According to Mr. Epstein, 28 Governmental agencies furnished more than 300 cubic feet of paper to the Warren Commission and there were over 1500 Secret Service interviews or reports and thousands of papers connected with the investigation of the facts and circumstances relating to the assassination of President Kennedy. In addition, the FBI alone sent the Commission 25,000 reports and papers.

I am informed that at the present time two-thirds of the available papers and documents in the National Archives are declassified and open to the public for research purposes.

The remaining one-third of the available documents and papers at the National Archives is composed, in part, of the administrative records and working papers of the Warren Commission. Additional housekeeping records are mixed in with these papers and records and have to be sorted.

The records, reports and papers concerning the facts and circumstances relating to the assassination of President Kennedy which are at the National Archives and are presently classified should be made available to the public at the earliest possible time.

In keeping with the National Freedom of Information policy embodied in Senate Bill 1160, which I supported in the House of Representatives when it passed here on June 20th, and which President Johnson signed on July 4 of this year, we must make every effort to remove the veil of secrecy over papers and documents which can be revealed without violating the public interest.

As President Johnson said upon signing this Federal public records law (P.L. 89-492):

I am instructing every official in this Administration to cooperate...and to make information available to the full extent consistent with individual privacy and the national interest.

There are nine exemptions to the National Freedom of Information Law. With respect to the papers and documents containing facts or circumstances relating to the assassination of President Kennedy which are at the National Archives, the first exemption should be examined. It reads as follows:

Sec. 3. Every agency shall make available to the public the following information:

(e) Exemptions. The provisions of this section shall not be applicable to matters that are (1) specifically required by Executive Order to be kept secret in the interest of the National defense or foreign policy;

As Mr. Bert Mills points out in an article entitled, "What Next on FOI?", published in the National Publisher, September, 1966,

The key phrase here is "by Executive Order." No minor official will make the decision, only the President, and his action in issuing such an order is publicized...

Although the Freedom of Information Law does not become effective until Independence Day, 1967, based upon it and the expressed intent by President Johnson in signing it, I believe the exemption cited above should not be applicable to the materials relating to the assassination of President Kennedy which are presently being held as classified in the National Archives. This view is further supported by the fact that President Johnson asked the Attorney General over one year ago to coordinate an overall agency review of the records and papers furnished to the Commission and in turn deposited with the National Archives in order to make as much of this material available to the public as they possibly could.

On August 17, 1966, the Office of the Attorney General asked the National Archives to apply the same standard of public accessibility to the working papers and administrative reports which it has received from the Warren Commission itself.

To the extent that any doubt remains, the President should be requested to free for scrutiny all documents and evidence of any kind in this area.

It is not, nor has it been, my desire to rush to verdict concerning the outcome of the questions I raise herein. However, I feel that those questions which the critics say were allegedly left unanswered should not be superficially answered nor should they be left unanswered. Let an independent body make a thoroughly dispositive and exhaustive evaluation of all that has been said and written to date concerning the events surrounding the assassination and the Report of those events, just as the Joint Congressional Committee reviewed Pearl Harbor and the findings of the Roberts Commission four years later.

Moreover, it is just as likely that the work and conclusions of the Warren Commission will emerge further justified and supported. In this way the confidence of the people may be restored and once and for all the majority of doubters should be satisfied that all there is to be known about the events of November 22, 1963, is known, and the tragedy of that day may be allowed to rest with dignity. And if a thorough and objective examination should shed new light on the happenings of that day, then we can only benefit by coming closer to the truth.

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February 16, 1967

The Honorable Lyndon B. Johnson
President of the United States
The White House
Washington, D. C.

Dear Mr. President:

I write to you in the hope that a serious situation, which has become almost ludicrous, may finally be resolved.

On September 28, 1966, I introduced my resolution (H.Con.Res. 1023) for the establishment of a joint committee of the House and Senate to review the findings of the Warren Commission on the Kennedy assassination.

My statement in connection therewith, which you received at the time, is set forth at page 23203 of the Congressional Record of that date.

There have been many doubts raised about the findings contained in the Warren Commission Report, but, in my opinion, the most vulnerable of the findings is that known as the "single bullet" theory.

If the theory is rejected, then it is possible that there was more than one assassin. If the theory is sustained, then there is a possibility that reasonable people can consider the case closed.

As you well know, Governor Connally insists that he was not hit by the same shot that hit President Kennedy, although, strangely enough, Governor Connally accepts the conclusions of the Commission's Report.

As a result of the research done by Edward J. Epstein published in his book entitled "Inquest", a great deal of information has been brought to light about the methods of the Warren Commission. You will recall that Senator Russell was merely willing to call the "single bullet" theory "credible", while the drafters of the Report wanted to call it "compelling", and compromise was found in the word "persuasive". See Life Magazine of November 25, 1966 at page 53.

In all the discussions about the single bullet theory, I have been amazed to find that the X-rays and photographs taken at the autopsy of the late President Kennedy were not made available to the Commission. Arlen Specter, who worked on this phase of the investigation, in his interview in U. S. News and World Report of October 10, 1966, at page 53, states that the Commission did not press for the photographs and X-rays because they did not consider them "indispensable" and would merely corroborate what the autopsy surgeons had testified to under oath.

That the autopsy surgeons were not necessarily well informed is detailed at page 53, among others, of the Life Magazine article above mentioned.

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February 16, 1967
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It became increasingly clear to me that the X-rays and photographs should be officially examined, and, accordingly, I addressed a communication to the National Archives requesting an opportunity, together with some outstanding and knowledgeable people in the field, to view these items.

Attached hereto as Exhibit "A" is a copy of my letter of December 27, 1966 to the Chief Archivist of the United States and his reply of January 6, 1967 (Exhibit "B").

I then followed up with Burke Marshall and received the reply dated January 25, 1967, copy of which is attached hereto as Exhibit "C".

I had thought that deposit with the Archives, in view of the public fanfare, had some significance. In the absence of official investigation, this is all illusory.

It is inconceivable to me that a matter of personal preference, no matter how delicate to the parties involved, should stand in the way of the public's right to know.

William Manchester, in the second installment of his book "The Death of a President", as it appears in Look Magazine of February 7, 1967, at page 45 states as follows:

In the summer of 1966, a former Cornell graduate student published a dissertation that suggested that this first bullet followed a different trajectory. The implication was that a second assassin had aided Oswald. The issue is resolved by the X-rays and photographs which were taken from every conceivable angle during the autopsy on the President's body. Robert Kennedy has decided that this material is too unsightly to be shown to anyone, including qualified scholars, until 1971. He has turned it over to the National Archives with that restriction. Although this writer has not seen the material, he interviewed three people with special qualifications who examined it before it was put under seal. None of them knew the other two, but all three gave identical accounts of what they had seen in the photographs and X-rays. The X-rays show no entry wound "below the shoulder," as argued by the graduate student. Admittedly, X-rays of active projectiles passing through soft tissue are difficult to read. However, the photographs support them in this case--and clearly reveal that the wound was in the neck. Finally, the recollections of all doctors present during the autopsy, including the President's personal physician, agree unanimously with this overwhelming evidence.

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You are, no doubt, aware of the controversy involved with respect to the publication of the Manchester book, but that was complicated by a matter of a private contract.

In my opinion, the question of the X-rays and photographs, certainly to the extent of a proper analysis for a public report as to the specific item of where the entry wound was with respect to the first bullet, is a public matter for which there must be an official examination and analysis.

You have heretofore stated that you expect all of this material to be made available to the public, and in your comments on the Freedom of Information Act, which you supported, you made similar statements.

I now ask you for the right to examine the X-rays and photographs, as stated in my letter of December 27, 1966 to the Chief Archivist and, failing that, I call upon you to direct forthwith that there be an official examination of the X-rays and photographs with a public statement by those examining them as to their findings and conclusion.

Most respectfully,

(signed)

Theodore R. Kupferman, M.C.

TRK:ejc

Enclosures